DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTICALLY PUMPED, SURFACE-EMITTING SEMICONDUCTOR LASER DEVICE AND METHOD FOR THE MANUFACTURE THEREOF

Case No.	P01,0121	, the specification of which		
•		is attached hereto. was filed on Application Serial No. and was amended on (if applicable)	, as	
I including	hereby state that I have the claims as amended by	reviewed and understand the con y any amendment referred to abo	tents of the above identified specification, ve.	
me to be 1 1.56.1	acknowledge the duty to material to the patentabili	disclose to the United States Pat ty of this application in accordan	ent Office all information which is known to ace with Title 37, Code of Federal Regulations,	
before my or our inv sale in the has not be any count assigns m certificate	y or our invention thereof vention thereof or more the c United States of Americ een patented or made the cry foreign to the United to ore than twelve months per con this invention has been	f, or patented or described in any nan one year prior to this applica a more than one year prior to the subject of an inventor's certifica States of America on an application orior to this application, and that	mown or used in the United States of America printed publication in any country before my tion, that the same was not in public use or on is application, and I believe that the invention te issued before the date of this application in ion filed by me or my legal representatives or no application for patent or inventor's the United States of America prior to this identified below:	
I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below Prior Foreign Application(s)				
	Number	Country	Date	
_	00 26 734.3 01 18 079.4	Germany Germany	May 30, 2000 February 20, 2001	
before tha		ication on which priority is clain	r inventor's certificate having a filing date ned:	
r	TULLUCI	COURT A DATE		

^{1 (}b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

⁽¹⁾ It establishes, by itself or in combination with other information, a prima facte case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

⁽ii) Asserting an argument of patentability. A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the

preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint all Attorneys Identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm of Schiff Hardin and Waite.

Telephone 312/-258-5500 Patent Department

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff, Hardin & Waite
Atten: Patent Department
6600 Sears Tower, Chicago, Illinois 60606 -6473
Customer Number 26574

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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